



Licensing Board

June 29, 2009 - 7:00 p.m. – **Revised Agenda**
133 William Street, Room 314

View Minutes

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PRESENT: Steven A. Beauregard, Chairman
Ronald E. Frenette, Commissioner
Atty. John Markey, Assistant City Solicitor
Capt. Steven Vicente, Liaison to the Licensing Board
Nick Nanopoulos, Director

MOTION TO ACCEPT THE MINUTES OF April 27TH & May 18TH, 2009

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Description & Change of Hours - Tr. # 214 – (Plot # 12--287)

MWTP, Inc. d/b/a Davy's Tiki Bar, Jeffrey Dolinsky, Manager, 1480-S East Rodney French Boulevard, who is requesting permission to change the description of the 'Seasonal' Common Victualler All Alcoholic Beverages licensed premises to increase the size of the outdoor seating area from approximately 2,000 sq. ft. to 3,000 sq. ft. The New Description of the licensed premise shall consist of an area 3,000 sq. ft., which will be enclosed by a 4 ft. high jersey barrier, with breaks in the barrier to allow ingress and egress. The enclosed area will contain a wood 'Tiki' bar structure approximately 150 to 200 sq. ft. (approx. 19' x 8'), which will contain refrigeration, sinks, and a locked storage area to maintain alcohol, and 15 to 17 tables for dining. The enclosed area, which will be approximately 150 ft. from the existing building, will be located on the east end of the parking lot, and will remain numbered **1480-S East Rodney French Boulevard**. **Licensee is also requesting that the license be amended to reflect an 11:30 p.m. closing.**

Final approval will require a 'Certificate of Inspection' from the Building Department, a 'Food Permit' from the Health Department, and a signed 'Fire & Building Certificate' with regard to Chapter 304 Fire Acts Compliance.

Application has been advertised; Abutters have been notified.

Approved By ABCC – 05/18/09

Addition of d/b/a - Tr. # 010 - (Plot # 47--2)

Sapatinha's Café, Inc., Jose G. Borges, Jr. Manager, who is requesting approval of **Euphoria Lounge** as its d/b/a, with premises remaining the same at **289 Acushnet Avenue**.

Approved By ABCC – 05/20/09

Change of Manager, Trans. # 073 – (Plot # 25--88)

Portuguese Sports Club, Inc., 56 Delano Street, requesting the approval of **Jose Calheta**, who resides at **142 Tickle Road**, Westport, MA as their new Manager.

Approved By ABCC – 05/28/09

New CVAA License (Special Legislation), Trans. # 221 – (Plot # N/A – City of New Bedford Regional Airport)

Restaurant Partners, LLC d/b/a Airport Grille, which is petitioning for a **New Common Victualler All Alcoholic Beverages** license under **Commonwealth of Massachusetts Special Legislation – Chapter 619 of the Acts & Resolves of 1968**, which allows for an all alcoholic beverages license to be issued to be exercised only on the premises of the New Bedford Airport, which shall not be transferable from said Airport, and terminates, becomes null & void at the termination of the lease of the restaurant premises. **William M. Whelan** is the Sole-Manager of the LLC, a Co - Member, Co - Interest Holder (20%), and the **Proposed Manager of the Liquor License**; **William N. Whelan, Paul A. Cruz, Anthony A. Cruz, and Oliverio Ferreira** are all Co - Members of the LLC and Co – Interest Holders (20% ea.). Premises consists of an area approximately 2,000 sq. ft., which includes Two (2) rooms for dining, a bar area, along with a kitchen and storage area; there is also an outside patio area approximately 500 sq. ft., which is enclosed with a 36" knee wall surrounding it, that has an entrance/exit

into the main dining area and an exit into the parking lot. There is also a main entrance/exit from inside the main terminal building into the restaurant, with a secondary entrance/exit located in the receiving and kitchen area. There are two (2) handicapped restrooms located in the 'common area' of the main terminal building, in which alcohol will not be allowed. Premise is situated on that part of the airport located in the City of New Bedford Main Terminal Building, which is under control of the New Bedford Airport Commission, and **numbered 1569 Shawmut Avenue.**

Final approval will require a '**Certificate of Inspection**' from the Building Department, a '**Food Permit**' from the Health Department, and a signed '**Fire & Building Certificate**' with regard to **Chapter 304 Fire Acts Compliance.**

Approved By ABCC – 06/10/09

Transfer & Pledge of License, Trans. # 031 – (Plot #23--9)

Adega Company, Inc., Antonio J. Fialho, President, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Aventura Company, Inc. d/b/a Fresca Grill**, Victor Pinto is President, Co-Director, and Co-Shareholder (250), Luis M. Cordeiro is Treasurer, Co-Director, and Co-Shareholder (250), and Nuno Seco is Clerk, Co-Director, and Co-Shareholder (250); and **Deanna M. Vieira** is the **Proposed Manager.**; also, a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License** to **Citizens~Union Savings Bank**, 4 South Main Street, P.O. Box 1311, Fall River, MA., as security to authorize and secure a Term Note to the Bank from Aventura Company, Inc. in the face amount of Two-Hundred Twenty Thousand and 00/100 (**\$220, 000.00**) Dollars., pursuant to Massachusetts General Laws Ch.138 s. 23. Premises will remain the same at **418-420 Rivet Street.**

Final approval will require a '**Certificate of Inspection**' from the Building Department, a '**Food Permit**' from the Health Department, and a signed '**Fire & Building Certificate**' with regard to Chapter 304 Fire Acts Compliance.

Approved By ABCC – 06/16/09

Change of Officers, Directors, & Manager - Tr. # 055 - (Plot # 24--116)

Clipper Restaurant, Inc. d/b/a Fernando's Sports Bar, Fernando A. Amaral, President, who is requesting a **Change of Officers, Directors, and a Change of Manager** of the **Common Victualler (Restaurant) All Alcoholic Beverages License.** The new officers will be Fernando A. Amaral as President, Treasurer, and Sole Director; Marco P. Amaral will be the Secretary; and **Fernando A. Amaral** is the **Proposed New Manager**, and who will also remain as the Sole Stockholder. **Premises will remain the same at 116 County Street.**

Approved By ABCC – 06/16/09

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Manager, & Description - Trans. # 105 – (Plot # 47--219)

New England Fisheries, LLC d/b/a Waterfront Grille, Kevin Santos, Manager of LLC, 36 Homer's Wharf, who is requesting permission to **Change the Description** of the **Common Victualler All Alcoholic Beverages** licensed premises; also, a Change of Manager is being requested approving **Madeline Rioux**, who resides at **43 Arlington Avenue, Westport, MA as their new Manager.** Upon completion of renovations the description shall read as follows,: Licensed premises consists of a total area of 8,900 sq. ft. on the first floor of a two-story building, which includes three (3) dining rooms, bar area, reception area, office, kitchen and storage area, and two (2) handicap accessible restrooms with an additional sushi dining room with a bar area and two (2) restrooms; also included on the first floor level is an exterior deck area, approx. 624 sq. ft. ,for outside dining on the east side of the building, which is contiguous to the main dining room, and an outside dining patio area with a seasonal bar, approx. 806 sq. ft. for dining on the south side of the building, which is also contiguous to the main dining area, which is enclosed with an entrance/exit into the main dining area with an exit into the parking lot. There is also an area, approx. 1,900 sq. ft. on the second floor of the two-story building, which includes a function/dining room with two restrooms, which also includes an upper outside deck area, approx. 216 sq. ft. for dining on the east side of the building; there is also an upper outside deck with a seasonal bar, approx. 806 sq. ft. for dining on the south side of the building, with a stairway to the lower outside deck. There are three (3) entrances/exits into the premises, which includes one into the main dining area, and one into the sushi dining room, and one into the outside patio area, which both have contiguous entrances and exits into the main dining area; and there are also two additional exits through the kitchen and the storage area. Premises is situated on the south side of Homer's Wharf, between Front Street and the Acushnet River, and **numbered 36 Homer's Wharf.**

1st Attempt - Disapproved By ABCC – 05/27/09 - Failure to Comply With Mass Tax Laws

To Be Sent Back To ABCC "For Reconsideration" ONLY upon notification from Applicant or DOR to re-submit

Rec'd 06/24/09 – A request behalf of his client for a continuance of the hearing scheduled for 06/29/09 to allow Mr. Mills an opportunity to personally address the Board on the status of his license, since he will be out of state on business and will not

return until later in the week.

1. Hearing: Elm N.B., LLC d/b/a Elm 22

Everett Douglas Mills, Manager

22 Elm Street

Approved By ABCC – 03/12/08 - Prior Hearings – 2008 (2)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2009. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77...Cancellation of license upon cessation of licensed business.

Hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2009 prior to this Board considering approval of your 2010 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

2. Hearing: Jalice Cafe, Inc.

Derrick Pina Goncalves, Manager

1468 Acushnet Avenue

Approved By ABCC – 05/13/08 - Prior Hearings – 2008 (2)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2009. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77...Cancellation of license upon cessation of licensed business.

Hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2009 prior to this Board considering approval of your 2010 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

3. Hearing: RSM of New Bedford, Inc. d/b/a Epicure Liquors

Robert S. Mayo, Manager

60 Nauset Street

Closed 06/05/09 - Prior Hearings – None

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2009. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77,.....Cancellation of license upon cessation of licensed business.

Hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2009 prior to this Board considering approval of your 2010 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

4. Hearing: Marisqueira Madeira, Inc. d/b/a Cotali Mar Restaurante

Carlos A. Madeira, Manager

1178 Acushnet Avenue

Approved By ABCC – 11/29/05 - Prior Hearings – 2006 (2) 2007 (2) 2008 (2)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2009. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77...Cancellation of license upon cessation of licensed business.

Hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2009 prior to this Board considering approval of your 2010 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

5. Hearing: Hathaway Road, Inc. d/b/a Rosie's

Michael A. Riccardi, Manager

380 Hathaway Road

Closed – 09/21/07 - Prior Hearings – 2007 (2) 2008 (2)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2009. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77...Cancellation of license upon cessation of licensed business.

Hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2009 prior to this Board considering approval of your 2010 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

6. Hearing: Vila Franco Do Campo, Inc.

d/b/a Vila Franca Restaurant & Cafe

Maria G. Santos, Manager

601 Second Street

Approved By ABCC – 02/03/09 - Prior Hearings – None

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2009. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77...Cancellation of license upon cessation of licensed business.

Hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2009 prior to this Board considering approval of your 2010 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

7. Hearing: Whaler's Wine & Spirits, Inc.

Raymond Lucas, Manager

3057-D Acushnet Avenue

Closed 03/11/09

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2009. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77...Cancellation of license upon cessation of licensed business.

Hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2009 prior to this Board considering approval of your 2010 renewal application.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date, plans to transfer, or change of location, as it applies to your situation.

8. Meeting: Club Sports Madeirense, Inc.

Richard Fernandes, President

1624-1632 Acushnet Avenue

Your presence is requested at a meeting to discuss any concerns the Board may have **regarding security and enforcement of Licensing Board & ABCC Rules & Regulations** concerning the weekend of the **Feast of the Blessed Sacrament**, the meeting will include Chief Teachman, Capt. Vicente, Liaison to the Licensing Board and Lt. Scott Sylvia, Liaison to the Feast Committee.

Minutes of 06/23/08 Meeting

PRESENT: Richard Fernandes & John Fernandes representing the Club; Chief Teachman, along with Capt. Steven Vicente, Liaison to the Lic. Board and Lt. Scott Sylvia, Liaison to the Feast Committee

Mr. (John) Fernandes stated that he sent his staff to the T.I.P.S. certification class, which was held for the feast volunteers, so that they would be aware of what to look for in checking I.D.'s, and with the service of alcohol; otherwise than that, they **would be applying** for a special license for the outside area behind the Club, with the same hours and procedures in place, as they have in the past, as stated below.

- **Will Apply for a Special License for Four (4) Days** with the following hours: Thurs. & Fri. – 6:00 P.M. – 11:45 P.M. Sat. & Sun. 1:00 P.M. – 11:45 P.M. to be used in 'Club' Parking Lot.

- **All Alcohol Must Be Consumed** within the parking lot and no alcohol should be allowed on the premises and no alcohol should be allowed off the premises.
- **‘Club Security’** will be provided to insure **all Rules & Regulations** with regard to the consumption of alcohol will be enforced.

*Licenses for this year’s event must be applied for by **July 6, 2009**

9. Meeting: Clube Ponta Delgada, Inc.

Julie Ann Alves, Manager

61-65 Madeira Avenue

Your presence is requested at a meeting to discuss any concerns the Board may have **regarding security and enforcement of Licensing Board & ABCC Rules & Regulations** concerning the weekend of the **Feast of the Blessed Sacrament**, the meeting will include Chief Teachman, Capt. Vicente, Liaison to the Licensing Board and Lt. Scott Sylvia, Liaison to the Feast Committee.

Minutes of 06/23/08 Meeting

PRESENT: *Julie Ann Alves, Manager along with Gus Santos, Club President; Chief Teachman, along with Capt. Steven Vicente, Liaison to the Lic. Board and Lt. Scott Sylvia, Liaison to the Feast Committee*

Ms. Alves stated that they **would not be applying** for a Special license, and she understood that no one should be allowed in or out of the Club with alcohol, and that the club would be closing at 11:45 p.m.

*Licenses for this year’s event must be applied for by **July 6, 2009**

10. Meeting: Panthers Athletic & Social Club, Inc.

Richard S. Baker, Manager

43-45 Madeira Avenue

Your presence is requested at a meeting to discuss any concerns the Board may have **regarding security and enforcement of Licensing Board & ABCC Rules & Regulations** concerning the weekend of the **Feast of the Blessed Sacrament**, the meeting will include Chief Teachman, Capt. Vicente, Liaison to the Licensing Board and Lt. Scott Sylvia, Liaison to the Feast Committee.

Minutes of 06/23/08 Meeting

PRESENT: *Richard Baker, Manager along with Russell Cunha, representing the Club; Chief Teachman, along with Capt. Steven Vicente, Liaison to the Lic. Board and Lt. Scott Sylvia, Liaison to the Feast Committee*

Mr. Baker also stated that his staff was sent to the T.I.P.S. certification class, which was held for the feast volunteers, so that they would be aware of what to look for in checking I.D.’s, and with the service of alcohol; otherwise than that, they **would be applying** for a special license for the parking lot area next to the Club, with the same hours and procedures in place, as they have in the past, as stated below, and that they were aware that alcohol is not to be allowed out of or into the club, and that they would once again have security at all entrances/exits.

- **Will Apply for a Special License for Four (4) Days** with the following hours: Thurs. & Fri. – 6:00 p.m. – 11:45 p.m. Sat. & Sun. 12:00 p.m. – 11:45 p.m. to be used in ‘Club’ Parking Lot.
- **All Alcohol Must Be Consumed** within the parking lot and no alcohol should be allowed on the premises and no alcohol should be allowed off the premises.
- **Signs Must Be Posted** stating that **‘No Alcohol’** is allowed in or out of the premises.
- **Barrels** will be set up at all exits to help enforce alcohol **from leaving** certain points.
- **‘Club Security’** will be provided to insure **all Rules & Regulations** regarding the consumption of alcohol will be enforced; Security persons working this event will be supplied with ‘Blue Event Shirts’ for easier recognition.

*Licenses for this year’s event must be applied for by **July 6, 2009**

11. Meeting: Saint Michael Social Club, Inc.

David M. DaSilva, Manager

101 Madeira Avenue

Your presence is requested at a meeting to discuss any concerns the Board may have **regarding security and enforcement of Licensing Board & ABCC Rules & Regulations** concerning the weekend of the **Feast of the Blessed Sacrament**, the meeting will include Chief Teachman, Capt. Vicente, Liaison to the Licensing Board and Lt. Scott Sylvia, Liaison to the Feast Committee.

Minutes of 06/23/08 Meeting

PRESENT: *David DaSilva, representing the Club; Chief Teachman, along with Capt. Steven Vicente, Liaison to the Lic. Board and Lt. Scott Sylvia, Liaison to the Feast Committee*

Mr. DaSilva stated that Mr. Toledo was unable to attend, and stated that they **would not be applying** for a special license, that they planned not to do anything outside of the premises during this event. He went on to state that he was going to use plastic cups only during this event to prevent anybody from hiding and walking out with bottles. He also planned to have people working the door to make sure no one enters or exits with alcohol; and the 'Club' planned to close at 8:00 p.m., as they've done in the past.

*Licenses for this year's event must be applied for by **July 6, 2009**

12. Meeting: Society of Senhor DaPedra, Inc.

Joao C. Fonseca, Manager
81 Tinkham Street

Your presence is requested at a meeting to discuss any concerns the Board may have **regarding security and enforcement of Licensing Board & ABCC Rules & Regulations** concerning the weekend of the **Feast of the Blessed Sacrament**, the meeting will include Chief Teachman, Capt. Vicente, Liaison to the Licensing Board and Lt. Scott Sylvia, Liaison to the Feast Committee.

MINUTES OF 06/23/08 MEETING

PRESENT: *Joao C. Fonseca, Manager representing the Club; Chief Teachman, along with Capt. Steven Vicente, Liaison to the Lic. Board and Lt. Scott Sylvia, Liaison to the Feast Committee*

Mr. Fonseca stated that they **would not be applying** for a Special license, and the 'Club' would be doing the same as they have done every year, which includes hiring a Police Detail and closing the door at 11:45 p.m.; and that they would have 'Club Security' to ensure that no alcohol goes in or comes out of the 'Club'; They would also have signs posted regarding the issue of alcohol being brought in or taken out of the 'Club'.

*Licenses for this year's event must be applied for by **July 6, 2009**

13. APPLICATION, Trans. # 062 – (Plot # 16--1)

First Base Café, Inc., Antonio A. Santos, President, is requesting a **Change of Officers, Directors, Manager, and Transfer of Corporate Stock** of the **Common Victualler (Restaurant) All Alcoholic Beverages License**; and the acceptance of his resignation as the President, Treasurer, Clerk, and Sole-Director, and allow the transfer of all his corporate stock. **Richard F. Perzentz, Jr.** will be the new President, Treasurer, Secretary, Sole- Stockholder, and the **Proposed New Manage**; also, a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License and Inventory** to Fall River Five Cents Savings (Bank5), as security to authorize and execute a **promissory note** for **\$270,000.00**, pursuant to Massachusetts General Laws Ch.138 s.23. Premises will remain the same at **38-42 Cove Street**.

Final approval will require a **'Change of Tenant'** from the Building Department and a **'Food Permit'** from the Health Department.

Application has been advertised.

14. APPLICATION, Trans. # 037 – (Plot # 106--214)

Portugal No Coracao Corp. d/b/a Vieira's Cafe, Paulo H. Vieira, President, is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Skylight Enterprises, Inc. d/b/a ALianca Lounge**, Rui M. DeMatos is President, Secretary, Co- Director, and Co-Shareholder (51 Shares); and **Michael R. DeMatos** is Treasurer, Co-Director, and Co-Shareholder (49 Shares), and **Proposed Manager**. Premises will remain the same at **1708 Acushnet Avenue**. Final approval will require a **'Change of Tenant'** from the Building Department and a **'Food Permit'** from the Health Department.

Application has been advertised

15. APPLICATION, Trans. #77 – (Plot # 53--195)

The Pequod, Inc. d/b/a Rose Alley Ale House, Jason P. Lannigan, President, is requesting permission to **Change the Description of the Common Victualler All Alcoholic Beverages** licensed premises to include an outdoor patio area., approximately 47 sq. ft. X 11 sq. ft., which upon completion would include approximately 12 tables to seat 48 patrons for dining, and the service of alcohol, **between the hours of 12:00 p.m. and 9:00 p.m., Monday thru Sunday**. The area would be enclosed with a cast iron fence, which would be surrounded with planters, and would include an outside service station for the service of alcohol.

The outside patio area would be contiguous to the North Side of the Building, and would have an entrance/exit into the main

dining room on the west side of the building with an additional entrance/exit that leads onto Rose Alley, along with an additional entrance/exit onto Front Street, which is situated on the northwest corner of Front Street and Rose Alley, and numbered **94 Front Street**.

Upon completion of the renovations, final approval will be required from the Building Department and Health Department.
Application has been advertised; Abutters have been notified

16. APPLICATION, Trans. #24 – (Plot # 24--122)

Ilha Verde Café, Inc. d/b/a Ilha Verde Café, Nelia Barbosa, President is petitioning for a **Change of Description of the Common Victualler (Restaurant) All Alcoholic Beverages License, to include an outside patio area**. Upon completion of the proposed renovations, the patio will be enclosed in an area approximately 650 sq. ft., that will be contiguous to the licensed premise, and will run along the west side of the building; which will include an entrance/exit into the premises on the front southwest corner of the building, which would give direct access from the inside of the café to the patio, and, an additional gated entrance/exit onto Delano Street. The patio area will be enclosed on the east side by the existing building, on the north side (backside) by an Eight (8) ft. brick wall, on the west side by a six (6) ft. high privacy fence, which will ensure that there is no direct access to the café patio area from those buildings located at 104-106 County Street; and the south side (front) will be enclosed by a six (6) ft. gated fence. The area will include two (2) tables to seat twelve (12) patrons, and will be staffed by at least two (2) staff members during patio hours, which will be from **9:00 a.m. until 9 p.m., Sunday through Saturday**; and there will be neither glass bottles nor glass cups allowed on the patio portion of the premises. Premise is situated on the north side of Delano Street and will remain numbered **85 Delano Street**.

Upon completion of the renovations, final approval will be required from the Building Department and Health Department.
Application has been advertised; Abutters have been notified

17. Meeting: Cape Verdean Recognition Day Parade Participants – LATE FILE

Based on recent requests for street closings for what are being called “Block Parties”, and due to the lack of requests for Police Details for this event as recommended by the Board, Chairman Beauregard has requested that all applicants who applied for a One-Day Special License for this event, appear before the New Bedford Licensing Board, so that these issues may be discussed, and give each ‘Club’ an opportunity to once again, inform the Board of what their intentions are regarding the service and control of alcohol during this event, prior to Board considering final approval of said licenses. **(Item’s 18-21)**

- **Merchant Mariner’s Social Club, Inc.**
- **The Bisca Tournament Club, Inc.**
- **The New Cape Verdean Ultramarine Band Club, Inc.**
- **Verdean Veterans’ Memorial Foundation, Inc.**

04/27/09 Minutes

Present: Eddie Rogers, C.V. Recognition Day Committee, Francisco T. Graca, Manager, Merchant Mariner’s, Ramona Silva, President, The New C.V. Ultramarine Band Club, Mark J. Waters, Manager & Joseph Souza, President, Verdean Veterans’ Memorial Foundation, and Marylyn Ramos, Director & Gabriel DaRosa, The Bisca Tournament Club; Capt. Steven Vicente, Liaison to the Licensing Board along with Lt. Scott Sylvia, Liaison to the C. V. Day Parade Committee; Councilor Bruce Duarte, Ward 4.

Chairman Beauregard opened the meeting by stating, as some of you who were here after last year’s celebration may recall, we had you come in last year to discuss your event and to listen to some of the concerns this Board had regarding your event, which has blossomed and grown rather quickly over the past few years, of which quite frankly this Board has not done a good job of monitoring as we have done with other events throughout the City, with regard to the flow and control, and the consumption of alcohol at your event; and as you are aware, it was the recommendation of the Board, that you all get together as one and come up with a plan, which would address the issues that were raised by the Board regarding the flow and control of alcohol being consumed during this event, and be prepared to appear before this Board this year with a plan that addresses those concerns which were addressed at last year’s meeting.

Chairman Beauregard added, as you probably heard during the prior meeting that was on tonight’s agenda, we met with the Day of Portugal Committee on the same issues and we have the alcohol somewhat confined; and we’ve already met with the Madeira Feast Committee with whom we’ve come a long way with, in controlling some of the same issues they had, to the point that all the alcohol is now contained within the feast grounds, whereas, you are no longer allowed to leave the confined feast area with alcohol; and concluded his comments by stating, just like we’ve done with those two events and others, we want to see it work but we must ensure that there are some controls in place to control the flow and consumption of alcohol in the area, so that we don’t have people coming out of one place and just walking down the street 2 blocks with alcohol to another place; and that the alcohol must be confined to the parking lot areas.

When asked by Chairman Beauregard, if they had met as was recommended by the Board, Ms. Silva, who stated that she would be the spokesperson for the group, stated that they had, and that they came up with a plan, of which she submitted a copy to the Board, who in turn voted to received it and place it on file, which stated the following:

To: New Bedford Licensing Board

From: New Cape Verdean Band Club, Bisca Tournament Club, Merchant Mariners Social Club, and the C.V. American Veterans' Association (Verdean Veterans' Memorial Foundation)

Re: Cape Verdean Recognition Day Activities

In order to address mutual concerns regarding the flow and control of alcohol on the day of the Cape Verdean Recognition & Independence Day Parade, the above named organizations met with Lt. Scott Sylvia on April 22, 2009. The purpose of the meeting was to prepare a written plan to prevent unwanted and desirable situations before they occur.

Representatives from all the organizations attended and were in agreement with the following:

1. All the organizations will apply for a one (1) day special liquor license, which will allow them to sell liquor outside. Each organization will provide its own security, and sales and consumption **will be limited and confined to each individual club's parking lot.**
2. All liquor (beer, wine, & alcohol) will be sold in plastic cups. **No cans or bottles will be served.**
3. Signs will be posted in each club and in every parking lot informing their patrons, that the **cups are not/will not be allowed out of the parking lot/designated drinking areas.**
4. **The organizations agreed that they would do an educational program weeks and days prior to the event to educate and inform their patrons of the allowed drinking areas.** This education program will include and is not limited to newspaper articles, newspaper ads, informational signs in the clubs and parking lots, discussions at meetings, etc.; incidentally, it is intended that all printed information will be done in Portuguese, English, and Spanish.
5. **All bar staff will undergo T.I.P.S. Training,** and all that entails.
6. Finally, and equally if not more important, the organizations recognize that prevention of underage drinking is of paramount importance. We intend to obtain wristbands from one of the liquor distributors. **As patrons are identified as of legal drinking age, they will be issued a wristband. Each wristband will be numbered so that the issuing club will be identified by the number on the wristband.** In addition, it will be stressed to the servers that if they have any questions about the age of a customer, then they should request the appropriate state approved proof of age identification documents.

Ms. Silva stated on behalf of the group that they have met diligently on several occasions as a group with representatives of the clubs involved and with the Parade Committee, along with Lt. Sylvia, and we came up with the proposal we presented to you earlier; Ms. Silva stated, she hoped the plan addressed the Board's concern with regard to the flow and control of alcohol; and added that the group also discussed holding the event in a confining area as the Day of Portugal holds theirs, but it was just physically not feasible for us at this particular time.

When asked by Chairman Beauregard if the Parade Committee was planning on doing anything like they did last year, Mr. Rogers stated that was a one time thing, and that they would not be involved with serving alcohol, and that they clubs would be the only ones serving alcohol, and that it would be feasible to contain the alcohol in the Morse Twist Drill site, as was suggested last year by the Board.

Ms. Silva stated that since it was not feasible to hold the event in the Morse Twist Drill site or close off the streets like the Day of Portugal does, the area clubs agreed to go along with this plan, in which each club would be responsible and accountable for making sure that each of their areas (parking lots, for which one day licenses would be applied for) would be the only place people would be consuming alcohol; and that all alcohol would be served in plastic cups and wristbands would be issued to all those who are of age, and that those wristbands would be numbered, so that each club will be held responsible for who they're serving but each club may ask for an I.D. again, if they have a question of one's age.

Responding to Ms. Silva's comments about the wristbands, Chairman Beauregard stated, you understand, if someone goes into another club with a wristband, and that person is found to be underage, it is still the responsibility of the club that is serving the alcohol to ensure that individual is of age, to which Ms. Silva responded, we understand that, we discussed it at length, and that the wristband does not preclude the fact that a person can get I.D.'d again.

Responding to questions from Chairman Beauregard, Ms. Silva stated that all 4 clubs have signed off on the plan and that as far as the sawhorses blocking off Acushnet Avenue, she stated you have to talk to the Bisca Club about that.

In response to the Chairman's question regarding the sawhorses blocking off Acushnet Avenue, Mr. DaRosa stated they are the only ones that block off the street (from Wing St. to Purchase St., down to Acushnet Avenue) in that L shape, and

we would still like to maintain that, because after the parade we have our float that pulls in right by the club, and that's where we have our entertainment and we plan on ending that at 7:00 p.m.

Mr. DaRosa continued his remarks by stating, *we plan on trying to contain* all alcohol in our parking lot, and that they would have certain members trying to keep an eye on that but there will be people that will want to go out onto the street in that area to enjoy the entertainment.

Chairman Beauregard stated that he did not have a problem with that, as long as it was contained in a certain area, and people weren't allowed to leave that area with alcohol.

Ms. Silva stated that each club would be sending out letters to their membership and that they would publicize in their ads, and in verbal communications, and although it has been a custom and a tradition in the past, notifying people that they will no longer be allowed to walk freely throughout the neighborhood with any alcohol in any cup.

Lt. Sylvia stated, what it comes down to is the culture, years ago, no matter if it was Portuguese, Cape Verdean, or whatever, people would just walk down the street with a bottle of beer, that's what we're trying to change here, and I think it's going to work.

Capt. Vicente stated that we went through the same process with the Madeira Feast, and although it took awhile, people learned and accepted that fact, that they are no longer allowed to leave certain areas with alcohol; and that it's going to be a work in progress, and there will be some minor problems, but it is something that needs to be done.

Ms. Silva stated, the thing that makes it encouraging for her is that all the clubs in the area have signed on for this, in which they are all working together to resolve these issues, so it's just not one person doing it, and the other one isn't; it's going to take everyone doing it, to make it work; and if everyone does what they're supposed to do, then it will make it much easier on everybody, and it will increase the chances for success.

When asked by Chairman Beauregard if they planned on hiring a Police Detail, Ms. Silva stated that was one of the reasons that they couldn't physically close off the streets was due to the fact, if they did that, they would have to get Police Details, which we can't afford, that's why each club has a parking lot or an area off the street, in which the alcohol will be served and each club will be responsible to have members of their own club police their own areas, to ensure that people are not leaving those areas with alcohol; and to make their members fully understand that they cannot leave those areas with alcohol, which will hopefully eliminate that whole problem of people walking up and down the street with drinks in their hands.

Chairman Beauregard, directing his comments to Lt. Sylvia, stated "ideally, although you're not having Police Details at every site, you have to have at least some sort of walking details in that area."

Lt. Sylvia responded by stating, what they did in the past is to use Community Policing for the event, I don't think they ever applied for Police Details; but added with the current budget cuts, he didn't think those services would be available this year.

Chairman Beauregard once again voiced his concern with the lack of Police presence in the area, to ensure that alcohol is not being allowed to be consumed other than those areas approved by the Board, to which Lt. Sylvia stated we'll have to keep an eye on it this year, and see how it goes.

Responding to comments by Mr. Graca regarding what his club was planning to do, Chairman Beauregard stated that he was convinced that although he knows that there will be some issues that arise, the scenario that has been presented is a lot better than what we've had in the past, but he once again stated his concern that you have 4 establishments that are handling a capacity that is above what they're normally deal with on a Sunday afternoon; and that you have a lot of people in a celebratory mood drinking, and in that whole scenario of people drinking requires some sort of Police Detail, whether it's a situation where you all get together to share the cost of a detail or you each get your own detail.

After conferring with those present, it was agreed that the Special Licenses would be issued from 11:00 a.m. until 11:45 p.m., with all those remaining outside at 11:45 p.m. to be ushered into each club respectively, keeping in mind that they cannot go over their capacity, which appears on their Certificate of Inspection.

Responding to questions from Ms. Silva, Chairman Beauregard stated that all outside activity should be shut down by 11:45 p.m., and that the people remaining outside at that hour either have a choice to go inside or they may return to their homes, but they should not be allowed to remain in the parking lot, on or about the premises; explaining further, now you have to deal with a noise issue at that hour and possible late night disturbances for those that have returned home; it is a Sunday, and people will be going to work the next day.

Chairman Beauregard stated that since you have some time here, you might want to consider my recommendation to get some type of Police Detail, because you're so large, it almost seems that it should be a requirement, to which Capt.

Vicente concurred, stating that a detail from at least 4 to 8 would be in order, especially if there is a street closing being requested on behalf of The Bisca Tournament Club.

When asked by Mr. Nanopoulos to clarify if members would be allowed to leave the parking lot with alcohol to go onto the street with alcohol into the L-shaped area where the entertainment will be set-up, Mr. Graca (Bisca Club), at first

stated that the alcohol would be served in the parking lot, but when asked again, he stated that they've allowed it in the past.

Chairman Beauregard stated that he did not have a problem with that as long as they had a street closing, and that the alcohol remained in front of the building where the entertainment will be set up and not around the corner; and that it will be shut down by 8:00 p.m., as stated by Mr. Graca.

Chairman Beauregard then recognized Councilor Bruce W. Duarte for Ward 4, so that he may have an opportunity to address the Board and those present, who stated that he thought the 4 clubs did an outstanding job in preparing their proposal that addressed the concerns that were raised by the Board at last year's meeting, and thanked Lt. Scott Sylvia for assisting the clubs in preparing the proposal; added that he would submit a street closing on behalf of the Bisca Club.

ACTION TAKEN: The Board set the hours for the Special License from 11:00 a.m. until 11:45 p.m.; and to allow Bisca Club to permit members to go out onto the street in front of the Bisca Club with alcohol, in the area where the entertainment will be set up but not up around the other side, as long as a street closing has been approved by the City Council, and that alcohol will not be allowed on the street after 8:00 p.m.; also, a Police Detail should be requested.

18. APPLICATION, Representation Requested

The Bisca Tournament Club, Joao J. Graca, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cape Verdean Day Parade', to be held in the **Club - Parking Lot**, located at **161 Acushnet Avenue**; and to be held on **Sunday, July 5, 2009, from 11:00 a.m. until 11:45 p.m.**

19. APPLICATION, Representation Requested

Verdean Veteran's Memorial Foundation, Marcelino G. Almeida, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cape Verdean Day Parade', to be held in the **Club - Parking Lot**, located at **561 Purchase Street**; and to be held on **Sunday, July 5, 2009, from 11:00 a.m. until 11:45 p.m.**

20. APPLICATION, Representation Requested (Pending Approval from Treasurer's Office)

The New Cape Verdean Ultramarine Band Club, Inc., Ramona Silva, President, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cape Verdean Day Parade', to be held in the **Club - Parking Lot**, located at **185 Acushnet Avenue**; and to be held on **Sunday, July 5, 2009, from 11:00 a.m. until 11:45 p.m.**

21. APPLICATION, Representation Requested

Merchant Mariners' Social Club, Inc., Francisco Graca, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cape Verdean Day Parade', to be held in the **Club - Parking Lot**, located at **185 Acushnet Avenue**; and to be held on **Sunday, July 5, 2009, from 11:00 a.m. until 11:45 p.m.**

Item's 22 thru 38 - All Special One Day Licenses

22. APPLICATION, (No Representation Needed)

O'Escondidinho, Inc., Rene Y. Sabastion, Manager requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the 'Day of Portugal' celebration to be held on **Acushnet Avenue (from Coffin Avenue to Sawyer Street)**; and to be held **Friday, June 12, 2009 from 6:00 p.m. until 11:30 p.m., Saturday, June 13, 2009 from 12:00 p.m. until 11:30 p.m., and Sunday, June 14, 2009 from 12:00 p.m. until 10:00 p.m.**

23. APPLICATION, (No Representation Needed)

Day of Portugal Committee, Angelina Amaral, President requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the 'Day of Portugal' celebration to be held on **Acushnet Avenue (from Coffin Avenue to Sawyer Street)**; and to be held **Friday, June 12, 2009 from 6:00 p.m. until 11:30 p.m., Saturday, June 13, 2009 from 12:00 p.m. until 11:30 p.m., and Sunday, June 14, 2009 from 12:00 p.m. until 10:00 p.m.**

24. APPLICATION, (No Representation Needed)

Gilberto, Inc. d/b/a Atlantis Café & Restaurant, Gilberto M. Ferreira, President requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the 'Day of Portugal' celebration to be held on **Acushnet Avenue (from Coffin Avenue to Sawyer Street)**; and to be held **Friday, June 12, 2009 from 6:00 p.m. until 11:30 p.m., Saturday, June 13, 2009 from 12:00 p.m. until 11:30 p.m., and Sunday, June 14, 2009 from 12:00 p.m.**

until 10:00 p.m.

25. APPLICATION, (No Representation Needed)

New Bedford Art Museum, Inc. Kathy Dinneen, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an 'Opening Reception/30th Anniversary Exhibition' to be held at the **N.B. Art Museum**, located at **608 Pleasant Street**; and to be held on **Wednesday, June 17, 2009, from 6:00 p.m. until 8:00 p.m.**

26. APPLICATION, (No Representation Needed)

Pub 6 Social Corp. d/b/a Sixth Bristol, Patricia B. Alphonse, Manager who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for the 'Normandin Teacher's End of Year Cookout', to be held in the **Sixth Bristol Parking Lot**, located at **736 Ashley Boulevard**; and to be held on **Friday, June 19, 2009, from 1:00 p.m. until 8:00 p.m.**

27. APPLICATION, (No Representation Needed)

Society of Senhor da Pedra/Holy Ghost Society, Pamela Barbosa, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Holy Ghost Feast', to be held at **Webster Court (Senhor da Pedra Parking Lot)**, located at **81 Tinkham Street**; and to be held on **Saturday, June 20, 2009, from 6:00 p.m. until 11:45 p.m. and Sunday, June 21, 2009 from 6:00 p.m. until 11:00 p.m.**

28. APPLICATION, (No Representation Needed)

Thompson Farland, Inc. Christian Farland, Representative who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Ribbon Cutting Event' to be held **on the street in front of 30 North Water Street**; and to be held on **Thursday, June 25, 2009, from 5:30 p.m. until 8:30 p.m.**

29. APPLICATION, (No Representation Needed)

P.A.C.E. Child Care Works, Inc., Pam Hagberg, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Provider Appreciation Event' to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Tuesday, June 30, 2009, from 6:15 p.m. until 7:15 p.m.**

30. APPLICATION, (No Representation Needed)

New Bedford Whaling Museum, Karen Allen, Director who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Member's Opening Preview' to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, July 2, 2009, from 6:00 p.m. until 8:00 p.m.**

31. APPLICATION, (No Representation Needed)

Centro – Luzo American Club, Inc., John Tomasia, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cookout', to be held in the '**Club Parking Lot**,' located at **34 Beetle Street**; and to be held on **Saturday, July 4, 2009, from 12:00 p.m. until 8:00 p.m.**

32. APPLICATION, (No Representation Needed)

New Bedford Festival Theatre, Inc., Scott M. Simpkin, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Alcoholic Beverages License** for a 'Fundraiser/Gala', to be held in the **UMass Building**, located at **800 Purchase Street**; and to be held on **Friday, July 10, 2009, from 4:30 p.m. until 11:45 p.m.**

33. APPLICATION, (No Representation Needed)

The Monte Pio Luso Americano Corp., Luis A. Pereira, Manager, requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for their 'Annual Holy Ghost of Acores Feast' to be held in the '**Club Parking Lot**', located at **540 Orchard Street**, and to be held **Friday, July 17, 2009, from 6:00 p.m. until 11:45 p.m., Saturday, July 18, 2009, from 6:00 p.m. until 11:45 p.m., and Sunday, July 19, 2009, from 12:00 p.m. until 11:45 p.m.**

34. APPLICATION,

St. Michael Social Club, Inc. Valdir Araujo, Representative requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a 'Fundraiser/Fiesta Do Chicharro' to be held on **Madeira Avenue**, located at **101 Madeira Avenue (On Street)**, to be held on **Friday, July 24, 2009 from 6:00 p.m. until 11:45 p.m. and on Saturday, July 25, 2009 from 12:00 p.m. until 11:45 p.m.**

35. APPLICATION, (No Representation Needed)

Club Sports Madeirense - S.S. Sacramento, Inc. Larry A. Jacques, President requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a '93rd Feast of the Blessed Sacrament' to be held at the **Museum of Madeira Heritage**, located at **1 Funchal Place**; and to be held **Thursday & Friday, July 30 & July 31, 2009 from 6:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 1 & 2, 2009 from 12:00 p.m. until 11:45 p.m.**

36. APPLICATION, (No Representation Needed)

Club Sports Madeirense, - S.S. Sacramento, Inc. Larry A. Jacques, President requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a '93rd Feast of the Blessed Sacrament' to be held on the **Madeira Feast Grounds (88 Tinkham Street)**, located on **Madeira Avenue**; and to be held **Thursday & Friday, July 30 & July 31, 2009 from 6:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 1 & 2, 2009 from 12:00 p.m. until 11:45 p.m.**

37. APPLICATION, (Pending Approval from Treasurer's Office)

New Wave Café, Inc., Adelia N. Domingos, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/S.E. Y.A.A. & Canned Food Drive', which will be held in the **New Wave Café – Parking Lot**, located at **143 North Front Street**; and to be held on **Friday, August 7, 2009, from 6:00 p.m. until 11:45 p.m., Saturday, August 8, 2009 from 1:00 p.m. until 11:45 p.m. and Sunday, August 9, 2009 from 1:00 p.m. until 11:00 p.m.**

38. APPLICATION, (No Representation Needed)

Low Tide Yacht Club, Paul Cusson, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/D. A. Sam Sutter', to be held at **Fort Taber Park – Under a Tent**, located adjacent to the **Low Tide Yacht Club**; and to be held on **Saturday, August 15, 2009, from 4:00 p.m. until 11:00 p.m.**

39. Meeting: Andrews Dahill Post#1531

Veterans' of Foreign Wars of the United States, Inc.
James T. Wagner, Manager
477 Park Street

Please be advised that the application for a Change of Manager for your 'Club' liquor license was **disapproved by the ABCC on May 6, 2009, for failure to comply with Mass Tax Laws**; also, be advised that failure to comply with Mass. Tax Laws is a violation of M.G. L. Ch. 138, sec.64, To Wit: Failure to comply with the Laws of the Commonwealth.

Your presence and that of the 'current' President, Arthur C. Larrivee is requested at a meeting to be held in **City Hall, Room 314, on Monday, June 29, 2009, at 7:00 p.m.** to discuss concerns this Board has regarding the day to day operation of your facility, and to get an update with regard to the progress that has been made in resolving this matter.

You are also instructed at this time, to submit a copy of your Annual "Club" Financial Report for Calendar Year 2008, which you are required by law to present to your members at your annual meeting, along with a current listing of your membership to the Office of the Licensing Board **by June 22, 2009**, so that the Board may have an opportunity to review them prior to our scheduled meeting on June 29, 2009.

Your failure to submit the requested information in a timely manner and appear at this meeting may result in the immediate suspension of your liquor license, until such a time this matter is resolved.

Rec'd 06/17/09 – 2008 Financial Report (Receive & Place on File)

Tabled at 05/18/09 Meeting

40. Meeting: Portuguese American Athletic Club of Greater N.B., Inc.

Arlindo Moura, Manager
56 Holly Street

Your presence and that of Joao Miguel, President, Antonio Veiga, Secretary, and George DeAlmeida, Treasurer is requested at a meeting to discuss concerns this Board has regarding the day to day operation of your facility.

You are also instructed at this time, to submit a copy of your Annual "Club" Financial Report for Calendar Year 2008, which you are required by law to present to your members at your annual meeting (03/08/09), along with a current listing of your membership to the Office of the Licensing Board **by June 22, 2009**, so that the Board may have an opportunity to review them prior to our scheduled meeting on June 29, 2009.

Your failure to submit the requested information in a timely manner and appear at this meeting may result in the immediate suspension of your liquor license, until such a time this matter is resolved.

Minutes of 05/18/09 Meeting

Present: Arlindo Moura, Manager

When asked by Chairman Beauregard if he had an opportunity to consider the Board's request, Mr. Moura stated that he did, and submitted a handwritten listing of his employees and the number of hours that they work a week, which was received and placed on file by the Board.

When asked by Chairman Beauregard if it was fair to say that these people were employees and not just members working behind the bar as bartenders, Mr. Moura stated that they were employed as bartenders.

When asked by Commissioner Frenette if they were T.I.P.S. Certified, Mr. Moura stated that they were not but they were going to send them to become certified within sixty (60) days, and that he already has contacted the school, which was part of the Board's decision based on a prior violation.

When asked by Chairman Beauregard if these people on the list were actually getting paid, Mr. Moura stated that we really don't pay them, we just give them a little money, to which Chairman Beauregard stated, so you're giving them a certain amount of money at the end of the week, well that sounds to me like you're paying them, to which Mr. Moura stated, yes, so I guess we're paying them.

Upon showing a copy of the 'Club Compensation Form', which was filed by the Club in April, which is required to be filed by all 'Non-Profit Clubs', which showed no employees listed, Chairman Beauregard asked Mr. Moura why those names that appear on the list that he submitted to the Board this evening, do not appear on the Club Compensation form that was submitted by the 'Club' in April, to which Mr. Moura stated that he did not know why except to say that the club pays them in cash.

When asked by Chairman Beauregard what makes your operation any different from any other operation that allows you to pay them in cash, to which Mr. Moura stated, we're non-profit organization, correct!, to which Chairman Beauregard stated, being a non-profit does not allow you to pay people in cash, to which Mr. Moura did not have an answer.

Responding to Mr. Moura's statement regarding the Club Compensation Form, who stated that they sent it in (referring to the Secretary, the person responsible for filling out the form and submitting it) and that he didn't fill it out and that he didn't know why it wasn't filled out, Chairman Beauregard asked, aren't you the manager, to which Mr. Moura stated, I'm the manager of the bar.

Based on Mr. Moura's failure to supply in his judgment, adequate answers to his questions regarding the issue of who is employed and who is being compensated for that employment, and why it is not being reported on the club compensation form, Chairman Beauregard stated that it would be his recommendation that the matter be continued to the Board's next meeting (June 29th), and that the President, and other Officers (Treasurer & Secretary) be requested to appear before the Board to further discuss this matter.

VOTED: Based on Chairman Beauregard's recommendation to table the matter, to the Board's next meeting, and to notify the Officers of the 'Club' to appear before the Board, along with Mr. Moura. – **Unanimous**

Rec'd 06/19/09 – 2008 Financial Report (Receive & Place on File)

Rec'd 06/22/09 – "Updated" 2008 Financial Report (Receive & Place on File)

41. Hearing: 1846 Bar & Grille, Inc.

Omar J. Lawrence, Manager
1846 Purchase Street

Your presence is requested at a hearing for failing to comply with this Board's 03/09/09 decision. **(Due 05/11/09)**

Following the hearing held on Monday evening, **March 9, 2009**, on complaints reported to this Board by the New Bedford Police Department of violations of Massachusetts General Laws, Chapter 138, sec. 34, 34b, 34c-, Alcoholic Beverages Control Commission Regulation 204CMR2.05(2) and Licensing Board Regulation No.5, this Board found you in violation of ABCC Reg. 204 CMR 2.05 (2)-Permitting an illegality on the licensed premises, to wit: Ch.138 §34- Sale or delivery of an alcoholic beverage to a person under 21 years of age (Underage Cadet – Sting); and as part of our decision, **you were required to have all current and new employees T.I.P.S. Certified, with a list of all your current employees and proof of their certifications (copy of certification cards) submitted together to the Office of the Licensing Board, within Forty - Five (45) days of receipt of notice, which as of this date, has not been complied with.**

You will be given this one last opportunity to comply with this decision, if you file all the required documents **by Friday June 26, 2009**, you will not be required to attend this hearing; **but be advised, if you fail to comply by this date, you are required to appear before the Board as notified above for a hearing, which may result in the suspension of your license.**

42. Hearing: Nabih Moujabber d/b/a

Lebanese Kitchen,
1487 - 1489 Purchase Street

Your presence is requested at a hearing for failing to comply with this Board's 03/09/09 decision. **(Due 05/11/09)**

Following the hearing held on Monday evening, **March 9, 2009**, on complaints reported to this Board by the New Bedford Police Department of violations of Massachusetts General Laws, Chapter 138, sec. 34, 34b, 34c-, Alcoholic Beverages Control Commission Regulation 204CMR2.05(2) and Licensing Board Regulation No.5, this Board found you

in violation of ABCC Reg. 204 CMR 2.05 (2)-Permitting an illegality on the licensed premises, to wit: Ch.138 §34- Sale or delivery of an alcoholic beverage to a person under 21 years of age (Underage Cadet – Sting); and as part of our decision, **you were required to have all current and new employees T.I.P.S. Certified, with a list of all your current employees and proof of their certifications (copy of certification cards) submitted together to the Office of the Licensing Board, within Forty - Five (45) days of receipt of notice, which as of this date, has not been complied with.**

You will be given this one last opportunity to comply with this decision, if you file all the required documents **by Friday June 26, 2009**, you will not be required to attend this hearing; **but be advised, if you fail to comply by this date, you are required to appear before the Board as notified above for a hearing, which may result in the suspension of your license.**

43. Hearing: Vasco DaGama, Inc.
Maria Pinarretta, Manager
86 Dartmouth Street

Your presence is requested at a hearing for failing to comply with this Board's 03/09/09 decision. **(Due 05/11/09)** Following the hearing held on Monday evening, **March 9, 2009**, on complaints reported to this Board by the New Bedford Police Department of violations of Massachusetts General Laws, Chapter 138, sec.34, 34b, 34c-, Alcoholic Beverages Control Commission Regulation 204CMR2.05(2) and Licensing Board Regulation No.5, this Board found you in violation of ABCC Reg. 204 CMR 2.05 (2)-Permitting an illegality on the licensed premises, to wit: Ch.138 §34- Sale or delivery of an alcoholic beverage to a person under 21 years of age (Underage Cadet – Sting); and as part of our decision, **you were required to have all current and new employees T.I.P.S. Certified, with a list of all your current employees and proof of their certifications (copy of certification cards) submitted together to the Office of the Licensing Board, within Forty - Five (45) days of receipt of notice, which as of this date, has not been complied with.**

You will be given this one last opportunity to comply with this decision, if you file all the required documents **by Friday June 26, 2009**, you will not be required to attend this hearing; **but be advised, if you fail to comply by this date, you are required to appear before the Board as notified above for a hearing, which may result in the suspension of your license.**

Note: T.I.P.S Certifications were submitted by the licensee on 06/25/09; No further action recommended.

- **CORRESPONDENCE,**

From: Robert H. Cronin, Chairman, for the ABCC

Dated – 06/01/09 Received – 06/03/09

Re: Merchant Mariners Social Club, Inc.

26 Wing Street

'New' Hearing Date – Tuesday, July 7, 2009 @ 11:30 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Commission Regulations as follows: M.G.L. CH. 62, sec. 47A (d), and 830 CMR 62C .47A.2: **Failure To Pay Club Alcohol Meals Taxes (DOR)**

- **REVIEW POLICE DEPARTMENT INCIDENT REPORTS**

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. The Monte Pio Luso Americano Corp.	09 – 7933 – OF	05/22/04	Simple Assault
2. Talho Portuguese	09 – 8453 – OF	05/29/09	Serving Underage/Sting (2 nd Offense) (Previous ABCC Sting 04/30/08)

- **'Clubs' (Informational Only)**

On **June 17, 2009**, a letter was sent by Atty. John A. Markey, Jr. Asst. City Solicitor to William A. Kelly, Jr., General Legal Counsel, ABCC, seeking clarification regarding the following issues regarding liquor establishments that are issued

Non-Profit Club licenses:

1. If club members serve as bartenders, should they be listed on the Club Compensation Forms?
2. Are clubs allowed to place a club member (or other person) of their choosing behind the bar without any formal training?
3. May clubs advertise the sale of food and drink in newspapers, magazines, and brochures sent to the general public?
4. May clubs rent out their facility (halls) to non-members for non-club special events?
5. Does the licensing Board have the authority to request the financial (and other business) records of a Non-Profit Club?
6. May the Licensing Board request that each club submit an annual financial statement?

Awaiting Response a/o 06/24/09

- **`COMPLAINTS RECEIVED:**
---NONE---
- **NEXT TWO (2) MEETING DATES:** July 27th & August 29th
- **MEETING ADJOURNED:**